IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 17366 of 2004

Between:

Bachu Ramulu S/o. Venkatesh, aged 75 years,
R/o. Rajarajeshwari Traders, Mombojipally, Mandal Medak,
Medak District.

..... PETITIONER

AND

The Secretary, Regional Transport Authority,

Hyderabad Central, Khairatabad, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned demand of Rs.6,000/- of the respondent in demanding the petitioner to pay a sum of Rs.6,000/- towards compounding fee for the alleged over loading by vehicle bearing No.ABT 4173, as illegal, arbitrary, against the principles of natural justice, violative of Articles 24,19, and 31 of the Constitution of India.

Counsel for the Petitioner: MR.BATHINI PAPA RAO

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.17366 OF 2004

ORDER:

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The petitioner contends that he is a Goods Vehicle Operator. He is contending that the respondent is orally demanding Rs.6,000/- towards compounding fee for his act of over-loading the vehicle on three occasions in the year 2003. He is further contending that the respondent is not receiving the tax being offered by him, on the ground that unless he pays the compounding fee, they will not receive the tax. If the petitioner is liable for violation of any of the provisions of the Act, the respondent shall issue a notice in writing, demanding the money, if any payable by him, if such notice was not issued previously. The respondent is directed to receive the tax, if any, due from the petitioner irrespective of the pendency of the matter regarding the collection of the compounding fee.

2. The Writ Petition is accordingly disposed of. No order as to costs.

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Dr.G.YETHIRAJULU, J

Date:24th September, 2004.

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Note:

Issue C.C. in three days.

B/O

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Secretary, Regional Transport Authority, Hyderabad Central,

Khairatabad, Hyderabad.

2.Two C.Cs. to the Government Pleader for Transport, High Court

Buildings, Hyderabad. (O.U.T.)

3.Two C.D. copies.